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Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Gabon, Gambia, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Mali, Mauritius, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Rwanda, Slovenia, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 46/125 of 17 December 1991 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances of relatives of disappeared persons,

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Noting with satisfaction resolution 47/___ adopting the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearances and helping to eliminate forced disappearances, duly taking into account the provisions of the Declaration,

Bearing in mind Commission on Human Rights resolution 1992/30 of 28 February 1992,

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that are cooperating with it;

2. Welcomes the decision made by the Commission on Human Rights at its forty-eighth session to extend for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

3. Invites Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it, and in particular to reply more quickly to the requests for information addressed to them so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

5. Encourages the Governments concerned seriously to consider inviting the Working Group to visit their countries, thus enabling it to fulfil its mandate even more effectively;

6. Extends its warm thanks to those Governments which have cooperated with the Working Group and to those Governments which have invited the Working Group to visit their countries, requests them to give all necessary attention to its recommendations and invites them to inform the Working Group of any follow-up measures taken;

7. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

8. Calls upon all Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

9. Reminds all Governments also of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

10. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Also requests the Working Group to give the necessary attention to cases of disappeared children and children of disappeared persons;

12. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its forty-ninth session;

13. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities;

14. Decides to consider the question of enforced disappearances under the item entitled "Human rights: alternative ways and means" at its forty-ninth session.